

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

**COVERALL NORTH AMERICA INC.,**

**Petitioner,**

**v.**

**DENISSE PINEDA,**

**Respondent.**

07-CV-3012 (WJM)

**ORDER**

**HON. WILLIAM J. MARTINI**

**THIS MATTER** comes before the Court upon Respondent's Motion to Dismiss the Petition of Coverall North America Inc. (Docket Entry #4.) Petitioner requests that the Court strike Respondent's motion for failure to follow Local Civil Rules 7.1(d)(1)(requiring that a motion must be accompanied by a brief in accordance with L.Civ.R. 7.2 and as a separate document for submission to the Court), 7.1(d)(4)(allowing a motion to be filed despite the absence of a brief if a party files a statement that no brief is necessary and the reasons therefor), 7.2(a)("affidavits shall be restricted to statements of fact within the personal knowledge of the affiant," and arguments of fact and law "will be disregarded by the Court and may subject the affiant to appropriate censure, sanctions or both"), and 7.2(b)(no brief shall exceed 40 pages).

The Court finds that Respondent's motion included a notice of motion, a certification by counsel Jerald Cureton, a Second Amended Complaint in a case before the District of Massachusetts, Plaintiff's Opposition to Defendant's Motions in the same case before the District of Massachusetts, a proposed order dismissing the Petition, and a Certificate of Service. The Cureton Certification contains primarily arguments of fact

and conclusions of law which this Court must disregard. Furthermore, there is no moving brief directed at this petition before this Court. As Respondent has failed to provide a statement pursuant to L.Civ.R. 7.1(d)(4) explaining why no brief is necessary, this Court must strike Respondent's incomplete and inadequate motion. The Court notes that Respondent's have filed a separate motion in "Opposition to Petition of Coverall North America Inc. To Compel Arbitration" arguing for the same relief. (Docket Entry #16.) A substantive review of the Petition and Respondent's second motion will be reviewed separately and in due course. For the foregoing reasons, and for good cause shown,

**IT IS** on this 6th day of March, 2008, hereby,

**ORDERED** that Respondent's Motion to Dismiss the Petition of Coverall North America Inc. (Docket Entry #4) be stricken and dismissed; and it is

**FURTHER ORDERED** that Petitioner be allowed until March 24, 2008 to submit any opposition to Respondent's second motion (Docket Entry #16) and Respondent be allowed to file any reply by March 31, 2008.

s/William J. Martini  
**William J. Martini, U.S.D.J.**